

**APPROVED/1-22-07**  
**VIRGINIA BOARD OF PHARMACY**  
**MINUTES OF SPECIAL CONFERENCE COMMITTEE**  
**INFORMAL CONFERENCE COMMITTEE**

Wednesday, December 6, 2006  
Fifth Floor  
Conference Room 1

Department of Health Professions  
6603 West Broad Street  
Richmond, Virginia 23230

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CALL TO ORDER:	A meeting of a Special Conference Committee of the Board of Pharmacy was called to order at 9:00 a.m.
PRESIDING:	Leo Ross, Committee Chairman
MEMBERS PRESENT:	David C. Kozera
STAFF PRESENT:	Cathy M. Reiniers-Day, Deputy Executive Director Mykl Egan, DHP Adjudication Specialist
KARIN L. SMITH License #0202-011817	Karin L. Smith appeared with David Inman, Pharmacy Supervisor, CVS/pharmacy, to discuss allegations that she may have violated certain laws and regulations governing the practice of pharmacy as stated in the November 9, 2006 Notice.
Closed Meeting:	Mr. Kozera moved, and the Committee voted 2-0 in favor of the motion, to convene a closed meeting pursuant to § 2.2-3711.A.28 of the Code of Virginia for the purpose of deliberation to reach a decision in the matter of Karin Smith. Additionally, he moved that Cathy Reiniers-Day and Mykl Egan attend the closed meeting because their presence in the closed meeting was deemed necessary and their presence would aid the Committee in its deliberations.
Reconvene:	Mr. Kozera moved, and the Committee voted 2-0 in favor of the motion, that only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion for closed meeting were heard, discussed or considered during the closed meeting.
Decision:	After consideration of the evidence and statements concerning the allegations, Mr. Kozera moved, and the

Committee voted 2-0 in favor of the motion, that the Committee make the findings of fact, conclusions of law with no sanction imposed as stated in Attachment 1.

As provided by law, this decision shall become a final Order thirty days after service of such Order on Ms. Smith unless a written request to the Board for a formal hearing on the allegations made against her is received from Ms. Smith within such time. If service of the Order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of this Special Conference Committee shall be vacated.

I. WAYNE FENTRESS  
License #0202-004145

I. Wayne Fentress appeared to discuss allegations that he may have violated certain laws and regulations governing the practice of pharmacy as stated in the November 9, 2006 Notice.

Susan A. Beasecker, DHP Compliance Case Manager, was present for this hearing.

Closed Meeting:

Mr. Kozera moved, and the Committee voted 2-0 in favor of the motion, to convene a closed meeting pursuant to § 2.2-3711.A.28 of the Code of Virginia for the purpose of deliberation to reach a decision in the matter of I. Wayne Fentress. Additionally, he moved that Cathy Reiniers-Day, Susan Beasecker and Mykl Egan attend the closed meeting because their presence in the closed meeting was deemed necessary and their presence would aid the Committee in its deliberations.

Reconvene:

Mr. Kozera moved, and the Committee voted 2-0 in favor of the motion, that only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion for closed meeting were heard, discussed or considered during the closed meeting.

Decision:

After consideration of the evidence and statements concerning the allegations, Mr. Kozera moved, and the Committee voted 2-0 in favor of the motion, that the Committee make the findings of fact, conclusions of law and sanctions as stated in Attachment 2.

As provided by law, this decision shall become a final Order thirty days after service of such Order on Mr. Fentress unless a written request to the Board for a formal hearing on the allegations made against him is received from Mr. Fentress within such time. If service of the Order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of this Special Conference Committee shall be vacated.

CHARLES E. KIPPS  
License #0202-003809

Charles E. Kipps appeared to discuss allegations that he may have violated certain laws and regulations governing the practice of pharmacy as stated in the November 9, 2006 Notice.

Closed Meeting:

Mr. Kozera moved, and the Committee voted 2-0 in favor of the motion, to convene a closed meeting pursuant to § 2.2-3711.A.28 of the Code of Virginia for the purpose of deliberation to reach a decision in the matter of Charles Kipps. Additionally, he moved that Cathy Reiniers-Day and Mykl Egan attend the closed meeting because their presence in the closed meeting was deemed necessary and their presence would aid the Committee in its deliberations.

Reconvene:

Mr. Kozera moved, and the Committee voted 2-0 in favor of the motion, that only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion for closed meeting were heard, discussed or considered during the closed meeting.

Decision:

After consideration of the evidence and statements concerning the allegations, and the Committee voted 2-0 in favor of the motion, to close this case with no violations.

ADJOURN:

With all business concluded, the meeting adjourned at 2:00 p.m.

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Cathy M. Reiniers-Day  
Deputy Executive Director

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Leo H. Ross, Chair

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Date

Karin L. Smith

Findings of Fact and Conclusions of Law:

- Karin L. Smith holds license number 0202-011817 issued by the Board to practice pharmacy in the Commonwealth of Virginia.
- During the course of Ms. Smith's employment as the pharmacist-in-charge at CVS/pharmacy #1391, Woodbridge, Virginia, an inspection conducted on or about January 17, 2006, disclosed the following deficiencies:
  - Ms. Smith violated § 54.1-3316(7) of the Code, and 18 VAC 110-20-250(A)(4) of the Board of Pharmacy Regulations, in that several of the daily printouts of dispensed prescriptions were not signed by the pharmacist who was on duty at the time the prescriptions were dispensed. This violation had also been noted during a previous inspection on October 24, 2001.
  - Ms. Smith violated § 54.1-3316(7) of the Code, and 18 VAC 110-20-355(B) of the Board of Pharmacy Regulations, in that several filled prescriptions that were returned to stock were not properly labeled. This violation had also been noted during previous inspections on October 24, 2001, and October 2, 2003.
  - Ms. Smith violated § 54.1-3316(7) and § 54.1-3468(3) of the Code, in that several entries in the controlled paraphernalia sales log did not include the price of the paraphernalia that was sold. This violation had also been noted during a previous inspection on October 2, 2003.
- Ms. Smith stated that the above problems have been corrected and provided supporting documentation to the Committee for its review.

Sanction

- NO ACTION TAKEN against the license of Karin L. Smith.

I. Wayne Fentress

Findings of Fact and Conclusions of Law:

- Wayne Fentress holds license number 0202-004145 issued by the Board to practice pharmacy in the Commonwealth of Virginia.
- During the course of his employment as the pharmacist-in-charge at Blairs Drug Store (“Blairs”), Richmond, Virginia, several inspections produced multiple deficiencies. Specifically:
  - An inspection of Blairs conducted on or about April 13, 2006, disclosed four deficiencies. More specifically:
    - Mr. Fentress violated § 54.1-3316(7) of the Code and 18 VAC 110-20-160(A) of the Board of Pharmacy Regulations (“Regulations”) in that the work counter space was not clean and orderly. This violation had also been noted on a previous inspection on November 29, 1999, and was cited in an Order of the Board dated July 24, 2000.
    - Mr. Fentress violated § 54.1-3316(7) of the Code and 18 VAC 110-20-170(1) of the Regulations in that the most current dispensing information reference source maintained was dated 2004.
    - Mr. Fentress violated § 54.1-3316(7) and § 54.1-3404(B) of the Code in that, by his own admission, he last conducted a biennial inventory of Schedule I through Schedule V controlled substances on or about May 31, 2003.
    - Mr. Fentress violated § 54.1-3316(7) of the Code and 18 VAC 110-20-250(A)(4) of the Regulations in that, by his own admission, the last computerized printout Mr. Fentress signed indicating his personal daily prescription dispensing data was dated February 9, 2006.

An inspection of Blairs conducted on or about February 17, 2004, disclosed five deficiencies. More specifically:

- Mr. Fentress violated § 54.1-3316(7) of the Code and 18 VAC 110-20-160(A) and (B) of the Regulations in that the pharmacy was not clean and orderly. Specifically, floors and counters were cluttered with boxes and papers. This violation had also been noted during a previous inspection on November 29, 1999 and was cited in an Order of the Board dated July 24, 2000.
- Mr. Fentress violated § 54.1-3316(7) of the Code and 18 VAC 110-20-170(3) [2003] of the Regulations in that he failed to maintain current copies of the Drug Control Act and the Board Regulations.
- Mr. Fentress violated § 54.1-3316(7) of the Code and 18 VAC 110-20-200(D) of the Regulations in that 20 expired drugs, some of which were dated from 2000, were stocked with current drugs used for dispensing.
- Mr. Fentress violated § 54.1-3316(7) and § 54.1-3410(A)(3) of the Code in that

computer-generated labels concealed required information on the fronts of certain prescriptions for Schedule II through V drugs.

- Mr. Fentress violated § 54.1-3316(7) and § 54.1-3412 of the Code in that he failed to maintain a partial fill dispensing record.

### Sanction

- I. Wayne Fentress be issued a REPRIMAND. Further, the Board ORDERS that:
- Within two years from the date this Order becomes final, Mr. Fentress shall be subject to not less than four unannounced inspections, to include photographs, by the Board or its designated representatives. Mr. Fentress is solely responsible for the payment of the inspection fee, not to exceed Four Hundred Dollars (\$400.00) to be paid to the Board within thirty (30) days of the statement. If said fee is not received within the prescribed deadline, an additional One Hundred Dollars (\$100.00) late fee shall be assessed weekly, up to a maximum of One Thousand Dollars (\$1000.00). Failure to pay the full fee plus the additional assessment within one hundred (100) days of each audit/inspection shall constitute grounds for an administrative proceeding.
- Mr. Fentress shall be assessed a monetary penalty of Five Thousand Dollars (\$5000.00) as follows:
  - One Thousand Five Hundred Dollars (\$1500.00) of said penalty to be paid to the Board within ninety (90) days from the date this Order is final. If the monetary penalty is not received within the prescribed deadline, an additional One Hundred Dollars (\$100.00) will be assessed weekly, up to a maximum of One Thousand Dollars (\$1,000.00). Failure to pay the full fee plus the additional assessed penalty within thirty (30) days of the date the maximum penalty may be assessed shall constitute grounds for the suspension of the license of Mr. Fentress, and an administrative proceeding will be convened to determine whether such license shall be suspended.
  - The remaining Three Thousand Five Hundred Dollars (\$3500.00) shall be stayed contingent upon review and approval by a Committee of each of the four unannounced inspections. Should the review indicate an inspection is not satisfactory, the Board reserves the right to conduct an administrative proceeding to decide imposition, if any, of the stayed monetary penalty and, further, to determine if additional sanctions are necessary.
- Mr. Fentress shall maintain a course of conduct commensurate with the requirements of Chapters 33 and 34, Title 54.1 of the Code. Any violation of these terms of probation or of any law or regulation affecting the practice of pharmacy in the Commonwealth of Virginia, shall constitute grounds for the suspension or revocation of his license and an administrative proceeding shall be convened to determine whether such license shall be suspended or revoked.